

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Sweeney, Patrick J.

Title:

VERTEBRAL PROSTHESIS

Appl. No.:

10/686,998

Filing Date:

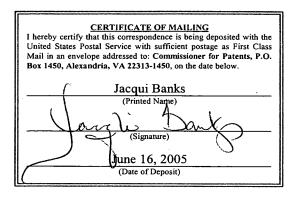
10/16/2003

Examiner:

Barrett, Thomas C.

Art Unit:

3738



INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Respectfully submitted,

Date

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MODIFIED PTO/SB/08 (08-00) Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449B/PTO Complete if Known INFORMATION DISCLOSURE **Application Number** 10/686,998 STATEMENT BY APPLICANT **Filing Date** 10/16/2003 First Named Inventor Patrick J. Sweeney Date Submitted: June 16, 2005 **Group Art Unit** 3738 (use as many sheets as necessary) **Examiner Name** Barrett, Thomas C. 1 of Attorney Docket Number 029815-0103

U.S. PATENT DOCUMENTS								
Examiner Initials*	Cite No.1	U.S. Patent Document			Date of Publication of	Pages, Columns, Lines, Where Relevant		
		Number	Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Cited Document MM-DD-YYYY	Passages or Relevant Figures Appear		
	A1	2005/0071007	A1	Malek	03-31-2005			
	A2	6,488,710	B2	Besselink	12-03-2002			
	A3	5,665,122		Kambin	09-09-1997			
	A4	4,636,217		Ogilvie et al.	01-13-1987			
		-						

FOREIGN PATENT DOCUMENTS									
Examiner Initials*	Cite No.1	Foreign Patent Document				Name of Patentee or	Date of Publication of Cited Document	Pages, Columns, Lines, Where Relevant	
		Office ³	Number⁴	Kind C (if kno		Applicant of Cited Documents	MM-DD-YYYY	Passages or Relevant Figures Appear	T ⁶
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NON PATENT LITERATURE DOCUMENTS								
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Examiner Signature		Date Considered	

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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Skind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.